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By Office of the Secretary at 10:43 am, Dec 30, 2021

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT**

**IN THE MATTER OF HEARING DETERMINATION
REQUEST FOR THE WASTE ISOLATION PILOT
PLANT (WIPP) DISCHARGE PERMIT RENEWAL
AND MODIFICATION APPLICATION FOR DP-831**

No. GWQB 21-19(P)

FINAL ORDER

This matter comes before the Secretary of Environment following the appointment of the undersigned Hearing Officer to conduct an evidentiary public hearing pursuant to NMSA 1978 § 74-6-5 and 20.6.2.3108 NMAC which was held from September 7-8, 2021, virtually on the Zoom platform.

The Waste Isolation Pilot Plant (“WIPP”), located in Eddy County, New Mexico, is a facility authorized by Congress for the disposal of transuranic radioactive waste materials generated by atomic energy defense activities of the United States. WIPP is required to hold a groundwater discharge permit from the N.M. Environment Department, pursuant to the Water Quality Act NMSA 1978 §§ 74-6-1 to -17 (1967, as amended through 2021), and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

The original WIPP groundwater Discharge Permit (DP-831) underlying this proceeding was issued by the Ground Water Quality Bureau on January 16, 1992. It was amended on August 28, 1995, renewed on July 3, 1997, amended on June 12, 1998, and January 24, 2000, renewed on April 29, 2003, modified on December 22, 2003, and December 29, 2006, renewed and modified on July 23, 2008, and last renewed on July 29, 2014. The application for renewal and modification consists of the materials submitted by the Permittee dated December 3, 2018, and materials contained in the administrative record prior to issuance of this Draft Permit in the present proceeding.

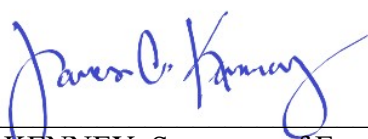
The Draft Permit addresses the renewal and modification of associated permit conditions. The permit modification consists of the addition of one new salt storage cell and four new liquid impoundments: Salt Cell 5, Salt Storage Pond 5, Brine Salt Storage Pond 4, Brine Retention Pond East, and Brine Retention Pond West. Additional changes made to the Discharge Permit issued on July 29, 2014, are described in the administrative record. The U.S. Department of Energy proposes to renew and modify DP-831 for the discharge of up to 9,586,995 gallons per day of industrial wastewater and stormwater to an impoundment and disposal system and up to 23,000 gallons per day of domestic wastewater to a treatment and disposal system.

The Ground Water Quality Bureau, an organizational unit within the N.M. Environment Department's Water Protection Division recommends approval of the renewal and modification of DP-831 as proposed in the Draft Permit to maintain the protection of human health and welfare and the environment. This recommendation is conditioned on the Applicant's compliance with the applicable laws, rules, and conditions of the Permit.

Having considered the Hearing Record as defined by 20.1.4.7.A.14 NMAC including all post-hearing submittals and the Hearing Officer's Report; and being otherwise fully advised in this matter; THE SECRETARY HEREBY ADOPTS THE HEARING OFFICER'S REPORT AND RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

IT IS THEREFORE ORDERED:

The Renewal and Modification of Discharge Permit 831 is hereby granted, and the Permit shall be issued by the Ground Water Quality Bureau in the form set forth in the Draft Permit, as shown in the Hearing Record.



JAMES C. KENNEY, Secretary of Environment

NOTICE OF RIGHT TO REVIEW

Pursuant to NMSA 1978 § 74-6-5, any person who participated in this permitting action and who is adversely affected by the action may file a petition for review before the Water Quality Control Commission, c/o Pamela Jones, 1190 St. Francis Drive, Santa Fe, New Mexico 87502. The petition shall be made in writing to the Commission within thirty days from the date notice is given of this action.